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Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

Coppieters, B. (2004). The Georgian-Abkhaz conflict. *JEMIE - Journal on ethnopolitics and minority issues in Europe*, 1, 1-29. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-61974>

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Chapter 5

The Georgian-Abkhaz Conflict

Bruno Coppieters

This chapter analyses the historical background to the secessionist conflict in Abkhazia and the prospect of a settlement. The Georgian-Abkhaz conflict, driven by a need for identity and security, is one that failed to be resolved within the hierarchical federal framework of the Soviet state. Abkhazia seceded from Georgia as a result of the 1992-93 war. UN mediation has so far failed to bring a political settlement closer. The chapter describes the solutions proposed and political actions taken both by the parties to the conflict and by the external mediators. It assesses the way in which the conflicting parties perceive the process of Europeanization in their region, the role of the European Union in the conflict on Abkhazia, and possible future outcomes. The UN proposals for a settlement make it possible to envisage the future of Abkhazia either as part of a federation with Georgia or as an associated state with Georgia, but as long as the external powers are unable to devise a common approach to overcoming the present deadlock in the political negotiations, it remains difficult to predict the precise outcome of the conflict.

5.1. Historical background

The Eastern Georgian kingdom of Kartli-Kakhetia was abolished in 1801 by the Russian Czar Alexander I, and the rest of the territory of modern Georgia was gradually annexed over the next decade.¹ In the second half of the nineteenth century, the czarist regime intensified its russification and colonial policies, prompting resistance by the Abkhaz community. The authorities responded with fierce repression, including the forced emigration of a large part of the community to the Ottoman Empire. The czarist regime also had to face opposition from Georgian intellectual élites. Social democracy was one of the main political forces opposed to autocracy in the Russian empire. From 1903, this party was divided between a moderate Menshevik and a radical Bolshevik wing. The Menshevik wing of social democracy became the main political force in Georgia. After Georgia's declaration of independence in May 1918, the Bolsheviks continued their opposition to the Menshevik government and their campaign for unification with Soviet Russia, leading to the invasion of Georgia by the Red Army in 1921. Georgia then became part of the Transcaucasian Soviet Federated Socialist Republic, together with present-day Azerbaijan and Armenia. This federated republic was itself part of the Soviet federal state structures.

With the dissolution of the Transcaucasian Soviet Federated Socialist Republic in 1936, three 'Union republics' were created in the South Caucasus, for Azerbaijan, Georgia and Armenia. The three main nations of the South Caucasus thus became 'titular

¹ The following historical overview is based on the literature listed in the references at the end of this chapter.

nations' of their Union republics. The Union republics were the building blocks of the Soviet federal structure, and generally consisted of smaller federal entities – such as 'Autonomous republics' and 'Autonomous regions' – which had a subordinate position and fewer administrative powers. The Abkhaz, for instance, became the titular nation of an Autonomous republic within the Georgian Union republic. Unlike Georgia – which, as a Union republic, was constitutionally declared sovereign and entitled to secede – the Abkhaz Autonomous republic was without formal sovereignty or the right to secession.

Although in the Soviet federation the questions of sovereignty and secession were strictly formal ones (all real power in the Soviet Union was firmly located in its Communist Party), they nevertheless had a high symbolic value for both Georgians and Abkhaz. The two nations co-existed within the Georgian sovereign state, in which the state structures of Abkhazia were subordinate to those of the Georgian Union republic. This federal relationship between governance levels entailed a hierarchical stratification of two titular nations. In the Soviet federal structure the status of the Abkhaz national community, as the titular nation of the Abkhaz Autonomous republic, was unequal to that of the Georgian community, the titular nation of the Georgian Union republic – contrary to the principle of national self-determination, which is based on the idea of basic equality between nations, regardless of their size.

Georgia was itself subordinated to the Soviet political structures, in which the Russian (and Russified) élites had a predominant position, despite the formal equality between the Georgian and Russian Union republics. The Soviet institutional context thus placed the state structures of Abkhazia, Georgia and the Soviet Union in a complex relationship of subordination to one another, and this complex relationship between state structures was replicated in the different political and social status enjoyed by the political élites in Sukhum(i)², Tbilisi and Moscow.

The subordination of the Abkhaz Autonomous republic to the Georgian Union republic was perceived by the Abkhaz as a form of political discrimination which for decades enabled the Georgian authorities to enforce policies of Georgianization and colonization in Abkhazia. The fact that some of the Soviet leaders – such as Joseph Stalin and Lavrenti Beria – were Georgian nationals has made it difficult to distinguish between Soviet (communist) and Georgian (nationalist) forms of oppression. According to Abkhaz historiography, in the Soviet period there were many instances of oppression of the Abkhaz people. The Georgians attempted to assimilate the relatively small Abkhazian community through education and cultural policies, and by changing the demographic pattern of the republic. Immigration waves of Georgian, Russian and Armenian workers changed the demographic situation dramatically between 1939 and 1959. From the Abkhaz perspective, the demographic balance within Abkhazia, where the Abkhaz proportion of the total population gradually declined in comparison to that of the Georgians, was the result of these colonization policies. Just before the dissolution of the Soviet Union in 1991, out of a total population of about half a million, the Abkhaz constituted only 18 per cent, compared with 45 per cent for the Georgians.³ The remaining nationalities include Armenians and Russians.

Destalinization in the 1950s to some extent improved the situation of the Abkhaz community, both at the cultural level and in its representation in administrative and

² Georgians write Sukhumi and Abkhaz Sukhum. We write Sukhum(i).

³ According to the census of 1989.

political structures. At the local level, this process created fierce competition between the Abkhaz and Georgian political élites for control over the state institutions in Abkhazia. At the end of the 1970s there were protest movements, led by Abkhaz intellectuals and party officials, against what they perceived as the Georgianization of their republic. Moscow initiated new economic projects, increased the number of leading positions allocated to the Abkhaz titular nation, and gave them greater administrative autonomy in the fields of science, education and the media.

These reforms left both parties unsatisfied, however. In the eyes of the Abkhaz community, they failed to eliminate the basic political inequality between the Abkhaz and Georgian nations within the Soviet state structures. Nor did they redress what they perceived to be a demographic injustice, resulting from Georgian colonization. Abkhaz over-representation in local state structures did not diminish their fear of being turned into a minority. In their view, the threat of extinction could only be avoided through state sovereignty and full control over local state structures. Such a national project would also meet the economic needs of the region: Abkhazia was seen to be more closely interdependent with the Russian economic space than with the Georgian one – through the export of agricultural products, and through tourism, for instance.

The Georgian national protest movements emerging in the 1970s tended to equate liberation with emancipation from Russia. In 1977, the introduction of a new constitution in Georgia led to widespread discussion on education and language policies. The Soviet leadership envisaged the abolition of the status of a 'state language' for Georgian – it wanted to give equal standing to the various languages spoken in Georgia. The political and cultural élites in the Georgian titular nation (the Georgian titular nation constituting about two-thirds of the total population of the country) saw this as a direct threat to their national culture and an attempt at russification. In response to the strong Georgian protest mobilizations, the Soviet leadership had to withdraw its plans for new language policies.

The Georgian élites interpreted the Abkhaz demands for political equality from the perspective of their own tense relations with the Soviet élites. In their view, the Abkhaz were a pawn in the hands of the Moscow authorities, whose primary interest lay in the political domination and cultural russification of the Georgian nation. They viewed the Soviet reform policies resulting from destalinization, and which permitted the over-representation of the Abkhaz in leading positions in Sukhum(i), as an application by Russia of the traditional imperial principle of divide and rule. They did not perceive their own nation as a threat (despite some expressions of self-criticism by the Georgian Communist Party). In the eyes of the Georgian élites, the repression against Abkhaz culture and people in the 1930s was the result of Soviet and not Georgian policies.

The democratization policies under Gorbachev in the second half of the 1980s had direct consequences for inter-ethnic relations in Abkhazia. There was a consensus among the Georgian national movement that the political privileges accorded to the titular nation of Abkhazia during Soviet times were excessive, and did not correspond to the demographic balance. They claimed that, given the present demographic composition of Abkhazia, the application of traditional democratic principles would lead to increased representation for the ethnic Georgians, who constituted the relative majority. Some Georgian national élites were nevertheless prepared to grant the small Abkhaz community a higher status than that of a minority, as they were autochthonous to their region, but this should not be allowed to threaten the Georgian political or cultural

hegemony in the Georgian Union republic. But a radical and influential faction of the Georgian national movement saw the Abkhaz as a minority and not as an autochthonous community of Abkhazia. It was their belief that the Abkhaz had migrated a few centuries earlier from the Northern Caucasus to the region of Abkhazia, where exclusively Georgians had been living.⁴ Such a historical perspective indicated the need for subordinate political status for the Abkhaz minority within Abkhazia itself.

It may be concluded that, within the Soviet federal structure, both the Abkhaz and the Georgians felt that their culture and national identity were under threat. The Abkhaz national movement protested against the Georgianization of their republic and the Georgians mobilized against the russification of their state. These parallel mobilizations fuelled radical and uncompromising views in both republics.

5.2. History of the recent conflict

From the Abkhaz perspective, the right to national self-determination could only be achieved by raising its status from that of Autonomous republic to Union republic. This would lead to the acquisition of sovereign statehood and the formal right to secession. With the democratization process under perestroika in the second half of the 1980s, and the dissolving of the Soviet Union, the Abkhaz leadership strove for full control over the state institutions of Abkhazia and for a confederation with Georgia. These demands were supported by historic precedents. Abkhaz scholars stated that Abkhazia had experienced more than a thousand years of statehood, and had not always been part of the Georgian political framework. Abkhazia's history of statehood preceded its union with Georgia. The Georgians, on the other hand, claimed that Abkhazia had always been part of the Georgian political realm.

Threats to the dominant position of Georgia as the titular nation of a Union republic did not come only from Abkhazia. Nationalist mobilizations also took place in other regions of Georgia, reflecting the effects of democratization in the second half of the 1980s on a society that was deeply divided ethnically. In the Georgian Union republic, with a population of some 5.4 million, non-Georgian nationalities accounted for roughly 30 per cent of the population. An Ossetian nationalist movement mobilized the population of the Autonomous region of South Ossetia in Georgia (Autonomous regions constituted a further tier of the Soviet federal system, below Union republics and Autonomous republics). This nationalist movement strove for reunification with the Autonomous republic of North Ossetia, which was in the Russian Federation. The South Ossetian national movement was likewise seen by the Georgian élites as being manipulated by Moscow.

Georgia's declaration of independence in April 1991, and the election of the nationalist leader Zviad Gamsakhurdia as the new Georgian president in May 1991, were regarded by the Abkhaz and Ossetian communities as a threat. They feared that, now that it had emancipated itself from the control of the Moscow authorities, the Georgian

⁴ A book of the literary historian Pavle Ingoroqva on the origins of the people inhabiting Abkhazia, which was published in 1954, had a profound influence on Georgian nationalism. According to Ingoroqva's interpretation, the people who claim to be Abkhaz had migrated from the Northern Caucasus to Abkhazia in the seventeenth century. They took over the ethnonym of the 'real' Abkhaz, while these 'real' Abkhaz were in fact proto-Georgians.

leadership would be able to suppress the rights of the titular nations of the autonomous entities in Georgia. All these mobilizations were driven by feelings of fear and historical injustice. The Georgian national movement claimed that Georgians in South Ossetia were being discriminated against in education, the use of their language and employment. On 11 December 1990, the Georgian parliament cancelled the autonomous status of the region. The conflict escalated into a war, which was not halted until June 1992. The fear that the Georgian nationalists would extend these confrontational policies to Abkhazia was an additional reason for the latter to strive for equal status with the Georgian state.

Zviad Gamsakhurdia avoided a direct confrontation with the Abkhaz nationalist leaders. He even favoured a reform of the Abkhaz electoral system that would permit cooperation between their national élites. But he was toppled from power by a military coup in the winter of 1991-92 which led, in March 1992, to the return to Tbilisi of Eduard Shevardnadze, who had previously been the communist leader of the Georgian republic, before his appointment as Soviet foreign minister under president Gorbachev.

The new State Council, brought under the leadership of Shevardnadze, abolished the 1978 Georgian Constitution and replaced it with the pre-Soviet Constitution of 1921, in which the autonomous status of Abkhazia was mentioned but not legally specified. This unilateral move by Tbilisi was then countered by the unilateral decision of the Abkhaz parliament to reinstate a draft constitution prepared in 1925, which declared Abkhazia to be a sovereign state. This unilateral decision, taken in the Abkhaz parliament by a slim majority consisting of parliamentarians from the Abkhaz ethnic community and some coalition partners went against the existing rules, which stipulated a two-thirds majority for constitutional changes in Abkhazia. Tbilisi was thus losing its control over Abkhazia at the precise moment when it was also threatened by armed opposition from supporters of the deposed president, Gamsakhurdia.

On 14 August 1992, Georgian paramilitary troops – whose leader Tengiz Kitovani was a member of the Georgian State Council, presided over by Shevardnadze – entered Abkhazia, on the pretext that the railway lines had to be protected against troops supporting Gamsakhurdia. But it tried to take military control of the whole territory, and entered Sukhum(i). The Russian authorities mediated a number of ceasefires, which did not hold, and the Georgian leader Eduard Shevardnadze failed to mobilize Western military support in his defence. It seemed at first that the Abkhaz would be unable to resist the Georgian forces, given the huge difference in population size. But support for the Abkhaz cause from volunteers from the Northern Caucasus, combined with Russian military assistance, dramatically changed the balance of forces in favour of the Abkhaz. The Georgian troops were defeated and, in autumn 1993, ousted from Abkhazia. A cease-fire has been implemented. Russian forces have been deployed to keep the peace, and this operation – labelled a CIS operation – is internationally monitored by an unarmed UN force. Since that time, UN mediation has failed to achieve a political settlement.

Partly as a result of the war, Abkhazia has been largely depopulated. The majority of the Georgian population fled or was expelled. A United Nations Needs Assessment Mission to Abkhazia estimated its population at roughly 200,000 in 1998. This would amount to less than half of the region's pre-war population.⁵ This drastic demographic situation is a result not only of the war, but also of the present policies of the Abkhaz

⁵ United Nations Development Programme, "United Nations Needs Assessment Mission to Abkhazia, Georgia", March 1998, p. 9.

authorities. They deny the right to return of all refugees – only the Georgian population from the Gali region, in the south of Abkhazia, have received authorization to return to their homes. The Abkhaz authorities fear that the balance between the various ethnic communities would otherwise be disrupted to the political advantage of the Georgian community. Such a return to the pre-war situation, leading to the loss of their hegemony over the present state structures, is politically unacceptable to them. But this denial of a general right to return has led to severe accusations by governments and international organizations – such as the OSCE – of ethnic cleansing, and have negative repercussions on the region's economic and political prospects. The partial disruption of transportation links with neighbouring regions and countries, lack of investment, and the absence of economic support from international organizations are features of the present situation.

The Abkhaz authorities do not have practical ideas on how to achieve independent status or recognition by Moscow as a freely associated state. Current realities are that Abkhazia has an open frontier, and road and railway connections with Russia. It uses the Russian rouble as currency. Most significant for the future is that in 2003 a large part of the Abkhaz population were in the process of acquiring Russian citizenship and passports. While the legal status of Abkhazia is addressed officially by Russia in accordance with the principle of the territorial integrity of Georgia, such realities are perceived by the Georgian authorities, and many observers, as creeping association, if not annexation.

5.3. History of attempted solutions

5.3.1. Solutions proposed and political actions taken by the parties to the conflict

Both Georgians and Abkhaz have had negative experiences with Soviet federalism.⁶ The Georgians considered that this type of federalism put them in a relationship of subordination to Russia, and the Abkhaz had a similar feeling where their relations with Georgia were concerned. These negative experiences do not mean, however, that the political élites in the region have abandoned possible solutions based on a two-tier federal framework. This is particularly true of the Georgian side.

Since the introduction of a new Georgian constitution in 1995, President Eduard Shevardnadze has argued in favour of the status of a federated state for Abkhazia within an asymmetric Georgian federation. Such a state structure would strike the right balance between the preservation of Georgia's territorial integrity and the political aspirations of the various nations, minorities and regions in Georgia. Abkhazia and Ajara – an Autonomous republic within Georgia, created in Soviet times for the local Muslim population – would, together with the former Autonomous region of South Ossetia and the Georgian regions, receive differing degrees of self-governance within the federation. Abkhazia, Ajara and South Ossetia could become federated states, with significantly more powers than the Georgian regions. A peace settlement would also have to be based

⁶ On the following see Bruno Coppieters, Tamara Kovziridze and Uwe Leonardy, "Federalization of Foreign Relations: Discussing Alternatives for the Georgian-Abkhaz Conflict", *Caspian Studies Program Working Paper Series*, Working Paper 2, Cambridge, Mass.: Caspian Studies Program, Harvard University, October 2003, on the Internet on http://bcsia.ksg.harvard.edu/publication.cfm?program=CSP&ctype=paper&item_id=405.

on the right for the Georgian refugees from Abkhazia to return to their homes. It has been argued that federalization and regionalization would, furthermore, make regional and local authorities more responsive to the needs of the population. Cross-border cooperation would also be facilitated by these processes.

But the Shevardnadze leadership was unwilling to start such a process as long as the Abkhaz question remained unsettled. Reunification with Abkhazia and South Ossetia was considered the prerequisite for a general process of federalization and regionalization which would include the *mkhareebi* (these are regional entities under the current administrative arrangement in Georgia).⁷ The only formal step towards the federalization of Georgia under Shevardnadze was the introduction of the name 'Ajaran Autonomous Republic' in the Georgian Constitution in April 2000. Ajara was explicitly granted the constitutional status of an Autonomous republic by the Shevardnadze leadership in exchange for the withdrawal of the candidacy of the Ajaran leader, Aslan Abashidze, for the presidential elections of 9 April 2000 and his eventual support for Eduard Shevardnadze in the elections.⁸ The only formal step in the federalization of Georgia between its independence in 1991 and the fall of Shevardnadze was thus more the result of an electoral *quid pro quo* agreement than a move in a state-building strategy.

The Abkhaz authorities, on the other hand, have always rejected the Georgian proposal of an asymmetrical federation. In 1994 the Abkhaz parliament introduced a new constitution, in which Abkhazia was defined as a sovereign state, and ever since, in line with this position, the Abkhaz authorities will accept only two-tier federal solutions to the conflict that are based on the recognition of the sovereignty of their state. The federal structure of a confederation or the status of a 'free associated state' for Abkhazia were thus, in their view, appropriate arrangements for the exercise and preservation of the Abkhaz people's right to national self-determination. An agreement on this basis would amount to Georgian acceptance of the sovereign statehood of Abkhazia as a subject of international law, and of its unilateral right to secession.

In 1999 the Abkhaz positions radicalized, culminating in a referendum and an ensuing unilateral declaration of independence. This radicalization led to the categorical refusal by the Abkhaz to discuss the question of a reunification with Georgia on a federal basis. In the view of the authorities in Sukhum(i), this question had been definitively settled by the Abkhaz population in the 1999 referendum. The current authorities claim that Abkhazia is an independent state and the only problem to be solved through a peace settlement is that of its recognition by Georgia and the rest of the international community.

After the 1999 declaration of independence, there was also governmental support in Abkhazia for the status of a free associated state with Russia. This – like the status of a constituent member of a confederation – would give them international sovereignty and a unilateral right to secession.⁹ The Abkhaz authorities often mention the Compact of Free Association of the Republic of the Marshall Islands with the United States as an example

⁷ *Mkhareebi* is the plural form of *mkhare*.

⁸ The Ajaran Supreme Council Chairman, Aslan Abashidze, was considered to be Shevardnadze's political opponent. On 5 November 2001, however, Georgian President Shevardnadze appointed Abashidze as the president's representative in negotiations on a solution to the Georgian-Abkhaz conflict. In November 2003, he then defended the Shevardnadze regime to the bitter end.

⁹ See Liz Fuller, "How Does Abkhazia Envisage Its Future Relationship with Russia?", *Caucasus Report*, Vol. 4, No. 36 (2001), <http://www.rferl.org/caucasus-report/2001/10/36-291001.html>.

in this context. Contrary to the views that prevailed before 1999, this type of federal association between sovereign states would take place not with Georgia but with the Russian Federation. This position should therefore be regarded as the expression of a strategic vision of a firmly institutionalized alliance between Abkhazia and its Northern neighbour.

The policies designed to make the citizens of Abkhazia eligible for Russian citizenship – which received official support from the Russian government – form part of the same strategy. These are based on the assumption that dual citizenship for Abkhaz citizens would increase the protection they receive from the Russian authorities in the event of a new conflict with Georgia. The Georgian leadership deems the Abkhaz demands for association with Russia and dual citizenship policies to be incompatible with the principle of territorial integrity. According to Tbilisi, the transformation of Abkhazia – if agreed by the Russian government – into a state freely associated with the Russian federation would amount to direct annexation, in clear breach of international law.

Abkhazia would clearly like to regularize its legal standing in the world, even if it cannot aspire to recognition as an independent state or even achieve associated statehood with Russia. The model of Taiwan is therefore cited. Russia would protect Abkhazia as the United States protects Taiwan. Taiwan moreover benefits from normal trade relations with the outside world, including membership of the WTO. Whereas Tbilisi is speaking about a normalization of its relations with Moscow, in order to pressurize Sukhum(i), the Abkhaz authorities are hoping for a normalization of their relations with the outside world, which would stabilize the present balance of forces to their advantage. Both sides are thus speaking about a ‘normalization’ in order to overcome the present deadlock, but the meaning of this term for each of them is obviously entirely different.

5.3.2 Solutions proposed by external mediators

Since the end of the 1990s, the UN mediator in the conflict has been confronted with the refusal of the Abkhaz authorities to discuss the question of political status of Abkhazia within a Georgian framework. In 1999, Liviu Bota, the Special Representative of the UN Secretary-General, took the initiative of relaunching the political negotiations on a new basis. He and his successor Dieter Boden consulted the members of the Group of Friends of the UN Secretary-General on Georgia – a group of countries that has been formally constituted to support the UN’s mediation activities, including France, Germany, the United Kingdom, the United States and Russia.¹⁰ Discussions among the Friends are aimed at finding a minimum consensus between Russian and Western interests in the management of the conflict.

In 2001, a short list of basic principles for a future peace settlement – the so-called ‘Boden document’ – was drafted. The envisaged distribution of powers between Tbilisi and Sukhum(i) was meant as a basis for negotiations between the Georgian and Abkhaz sides, and not as a final document whose formulations were to be inserted word-for-word in a future agreement. It was first endorsed by the Friends of the Secretary-

¹⁰ This group was actually created on the initiative of France, in order to counterbalance the predominant position of Russia in the mediation process. The Friends became observers of the UN-led mediation process in November 1997.

General, before attempts were made to propose it for discussion to the two parties in the negotiations.

The paper is the result of a compromise. It is not a compromise between the two parties in conflict, but between Russia on the one hand and the Western countries on the other. The search for a formula acceptable to all the Friends had significant consequences for the contents of the document. The text does not address the major issues entailed in state-building after a violent conflict, such as the implementation of domestic and international security guarantees. A number of key formulations to be found in the Boden document may, moreover, appear to be ambiguous, or even contradictory. But in spite of this, the text as a whole is quite consistent, stipulating on the one hand respect for the principle of territorial integrity and on the other the right of the two nations in conflict to national self-determination.

The paper tries to strike a balance between these two principles by using the formula which defines Abkhazia as a sovereign entity within the sovereign state of Georgia. A federal agreement on the distribution of powers would have the binding force of a constitutional law. Amendments would not be possible unless endorsed by both levels of this federal structure. This means that the Boden document rules out the option of a confederation or of freely associated state, and that it leaves the way open for either a federation or an associated state (a federacy) – although these concepts are not mentioned explicitly in the text. General references to a ‘federal agreement’ are made for the regulation of the division of powers between the federal government and the federated state.

According to the Boden document, Abkhazia is a sovereign political entity but not a fully sovereign state: this means that both levels of government are part of the single federal state. The sovereignty of the federal parliament and federal government may not infringe on the constitutional powers of Abkhazia. The future federation will be based not only on a ‘horizontal’ division of powers between a legislative, executive and judiciary, but also on a ‘vertical’ division of powers between the federal state institutions.

Abkhazia is not defined as being part of Georgia in the sense that Sukhum(i) will be subordinate to Tbilisi. Sukhum(i) and Tbilisi will both derive their powers from the federal constitution and will both be equally subordinate to it. The division of powers in this constitution will be regulated according to a federal agreement to be signed by the Georgian government and the Abkhaz authorities. The Boden document prescribes that both sides "shall not amend or modify the Federal Agreement, nor terminate or invalidate it in any way, other than by mutual agreement".

The Boden document already indicates what kinds of powers may be shared by Tbilisi and Sukhum(i) when it refers to an earlier agreement endorsed by both parties in 1994 (the Declaration on Measures for a Political Settlement of the Georgian-Abkhaz Conflict, signed on 4 April 1994),¹¹ which may serve as a point of reference in future negotiations. This agreement provides for ‘joint action’ in the following areas: foreign policy and forging economic ties, arrangements concerning border guards, customs, energy, transport and communication, ecology and the consequences of natural disasters, safeguarding human and civic rights and freedoms, and the rights of national minorities. How these powers will be shared, divided and sub-divided is left open to the parties.

¹¹ The text of this agreement has been published in Jonathan Cohen (ed.), “A Question of Sovereignty. The Georgia-Abkhazia Peace Process”, *Accord. An International Review of Peace Initiatives*, 7 (1999), p. 66.

However, as already mentioned, the UN document does not tackle difficult state-building questions such as how responsibilities for defence and security would be shared in the federation, or what type of international guarantees would accompany the Federal Agreement between the Georgian and Abkhaz authorities.

The central formulation of Abkhaz sovereign status which lays the basis for the federal arrangements – Abkhazia being a sovereign entity within a sovereign state – may at first sight appear contradictory. In the primary meaning of the word, ‘sovereignty’ is understood as supreme power, precluding any form of restriction on the exercise of power, or any subordination to other authorities to which the sovereign has not voluntarily agreed.

But a similar contradictory formulation is to be found in the third article of the Swiss constitution, which proclaims that the cantons are sovereign, but within the limits of the federal constitution.¹² According to a generally accepted interpretation of the Swiss constitution, sovereignty should not be understood here as an absolute form of sovereignty, as a supreme power. In fact, the cantons are part of the federation and their power is limited by the other cantons in the federal order. This status is the result of the abandonment of the confederal idea and the creation of the Swiss federation in 1848. In the past 150 years there have never been any serious constitutional disputes over the meaning of this concept of sovereignty: both the cantons and the federal government agree that cantonal sovereignty has a restricted meaning, not to be compared to the type of sovereignty that gives states rights and authority equal to those of independent states at the international level. In Switzerland, the sovereignty of the cantons means that they predated the federation, and that they must be regarded as constituent states. By using this term, the constitution recognizes that the cantons are the basic elements of the federation and that the federation does not have the right to suppress the statehood of the cantons. The cantons do indeed possess statehood: they have a territory, a population and a government, and moreover a constitution. In Switzerland, the state is first and foremost the canton.¹³

It may furthermore be useful to compare the formulation used in the Boden document with legal precedents in the Soviet Union and the Russian Federation. In the so-called ‘parade of sovereignties’ that began in Russia in July 1990, Autonomous republics of the Russian Federation affirmed their sovereignty with the proviso that sovereignty was ‘within’ the Federation.¹⁴ The Federal Treaty that was agreed between the Russian president, parliaments and republics in March 1992 recognized the 20 Russian constituent republics existing at the time as ‘sovereign republics within the Russian Federation’. This meant that they could adopt their own constitutions, unlike the

¹² On the Swiss constitution see Andreas Auer, Giorgio Malinverni and Michel Hottelier (eds), *Droit constitutionnel suisse* (Bern: Staempfli, 2000).

¹³ The formulation ‘a sovereign entity within a sovereign state’ is not ideal, even if it is relatively clear what it means. It may be more appropriate to use the Swiss formulation ‘within the constitution’, rather than ‘within the state’. Care should be taken, however, to ensure that the term ‘within’ is not understood either as having a geographical meaning or as expressing a relation of subordination. It is necessary to find a clearer way of expressing a non-hierarchical relationship between the Georgian and Abkhaz national communities.

¹⁴ See James Hughes, “Managing Secession Potential in the Russian Federation”, in James Hughes and Gwendolyn Sasse (eds), *Ethnicity and Territory in the Former Soviet Union: Regions in Conflict* (London: Frank Cass, 2002), pp. 42-43.

68 regions of Russia which could only adopt charters. It also meant that they had extensive autonomy over internal budgets and foreign trade and had ownership and the use of natural resources and land. The republics of Baskhortostan, Komi and Karelia were granted even more power.¹⁵ In the Russian Constitution of 1993 the references to the sovereign status of the republics were dropped,¹⁶ but the sovereign status of federated states remained a bone of contention in relations between the Russian Federation and Tatarstan.

The UN-led process of political mediation was based on the expectation that it would be possible to conclude a draft agreement between Russia and the Western friends of the Secretary-General on the distribution of powers between Tbilisi and Sukhum(i), and that then, within the framework of that agreement, the Abkhaz and Georgian sides would begin work on the more concrete institutional questions. This has not, however, proved possible. The Russian government has – after difficult negotiations within the Group of Friends – finally lent its support to this draft agreement, but it has also made it clear that it is unwilling to pressurize the Abkhaz authorities into starting political negotiations on the constitutional status of Abkhazia as long as Moscow and Tbilisi are divided on so many sensitive political issues.

Various forms of criticism may be levelled at this document. First, from the perspective of constitutional law it may not be entirely appropriate to describe federated states as being sovereign within the constitution, owing to the ambiguity of such a formulation, which could lead to subsequent political disputes. But this criticism may be countered by referring to the Swiss precedent, and by observing that it will be impossible to avoid all ambiguity in a political settlement that has to address conflicting demands from the two sides.

A second criticism targets the weak content of the document. As compared with the Annan plan for Cyprus, or other settlement plans, the text prepared by Dieter Boden is indeed very thin. It leaves many key questions for post-settlement reconstruction unanswered. But a comparison between the very general nature of the UN document on Abkhazia and the concreteness of the UN document on Cyprus is not very relevant or politically useful. The lack of substantial content in the paper on Abkhazia reflects the lack of political negotiations on the Georgian-Abkhaz conflict. Its primary aim was to initiate discussions, which would then have to be pursued in lengthy negotiations. The detailed nature of the Annan plan for Cyprus reflects a very different stage in the negotiation process, as it was drafted to prepare the conflicting sides for a final settlement and for their common entry into the EU.

A third criticism claims that the UN failed to address Abkhaz concerns and the equal position of both sides in the conflict, by *a priori* ruling out the option of full sovereignty for Abkhazia. The UN did not consider the possibility that in some cases the principle of territorial integrity may have to be overruled by the principle of national self-determination. This criticism is based on the presupposition that the UN should in principle take a neutral stance in sovereignty conflicts. Such impartiality cannot be expected, however, from the international community of states. The recognition of a unilateral declaration of secession is a political act, which has to be based on the legal principles of territorial integrity and national self-determination. It would not make much

¹⁵ *Ibid.*, pp. 46-47.

¹⁶ *Ibid.*, p. 49.

sense for the UN to take a neutral position in such a discussion on the basic principles of the international legal order. The UN Security Council has taken a clear stand on this question in its various resolutions on Abkhazia, and the Boden document is in line with these resolutions.

The UN initiative failed to go beyond the stage of a compromise formula agreed by the Friends. The Russian government refused to go beyond the traditional consensus within the UN Security Council on the need for a federal arrangement for Abkhazia while respecting the territorial integrity of Georgia. The refusal of the Russian and Abkhaz governments to pursue the discussion on the inclusion of Abkhazia in a Georgian federation makes any attempt to start negotiations on the Boden document pointless. The basic principles contained in this document are at present relevant only for an analysis of the federal options that are, in principle, acceptable to the international community of states.

It would make sense, after the failure of this attempt, to follow an alternative track in the political negotiations, taking both the Georgian and Abkhaz positions on sovereignty as a starting-point. It could be stated – on the basis of a historical analysis – that the main issue in the Georgian-Abkhaz conflict is not the distribution of powers between Tbilisi and Sukhum(i) but the question of the peaceful coexistence of Georgians and Abkhaz within Abkhazia itself. A discussion on this issue – in contrast to the discussions on the Boden document – could make better use of the common positions and interests of the Georgian and Abkhaz communities in the negotiation process. The Georgian and Abkhaz authorities share the view that Abkhazia is a multi-ethnic society, but they have both largely failed to address the question of how they visualize a future multi-ethnic Abkhaz (federated or fully sovereign) state functioning.¹⁷ It would make sense, in the negotiation process itself, in parallel talks or through a series of discussions among scholars from the two communities, to compare the Georgian and Abkhaz positions on the crucial question of how power will be shared in Abkhazia and how the peaceful coexistence of the various national communities within Abkhazia may be guaranteed by international institutions. A discussion on this issue may be considered no less necessary than the debate on the overall federal framework in which the federalization of Georgia and Abkhazia must take place.

The main conclusion that can be drawn from this overview of failed UN mediation activities is that the UN and Russia are competing for a leading mediating role in the Georgian-Abkhaz conflict. This competition in mediation activities makes it difficult to reach a settlement. Unlike the secessionist conflicts in the Balkans, where the international community acknowledged the leading role in the imposition of a political solution of either the United States (Dayton Agreement) or the European Union (Belgrade Agreement on the State Union of Serbia and Montenegro), there is no such agreement in the South Caucasus on the leading role of any country or organization. The introduction of the US military into Georgia in 2002 for limited missions at the time of the problem in the Pankisi Gorge (which had been infiltrated by pro-independence Chechen troops), and in support of Georgian military reforms, have accentuated the symbolic opposition between Russian support for Abkhazia and US support for Georgia.

¹⁷ There are few discussions on this theme. See on this question the volume edited by Alexander Kukhianidze, *Seminar ekspertov Gruzii, Federalizm i razgranichenie polnomochii v Abkhazii* (Tbilisi: 2002), on the Internet on <http://www.cipdd.org>.

In this way, the involvement of various external powers in the conflict further reinforces the *status quo*, by giving each side assurances of protection.

In March 2003, at the Russian Black Sea resort of Sochi, Russian and Georgian presidents Putin and Shevardnadze agreed on a series of measures to improve the *status quo*. Here the Georgian leadership showed its readiness to accept a leading mediating role for Russia provided such a move would facilitate a settlement on Abkhazia and would be complementary to the UN-led mediation process (the so-called Geneva process). The main suggestions in the Sochi Agreement included the continued opening-up of the southern Gali district in Abkhazia for the further return of Georgian refugees, the reopening of the railway line from Russia to Armenia, which passes through Abkhazia, and the improvement of cooperation on the rebuilding of electricity infrastructure. All these suggested actions are believed to contribute positively to a lessening of the tension. From the Georgian perspective, this meeting demonstrated that the Russian side regarded their attitude towards the Abkhaz authorities as subordinate to the bilateral relationship between Russia and Georgia.

Abkhazia does not agree to engage in negotiations on the basis of the Boden document or on the basis of any federal principle that would reincorporate Abkhazia into a Georgian framework. As a consequence, the UN has focused its recent work on more practical issues, such as conditions for the return of refugees, security in the Gali region, transport and energy linkages – thus with some links to the Sochi agreement. The UN also began to address the question of security policies and international guarantees prior to and after a political settlement, a question which is crucial in addressing the demands and fears of both sides.

A radical turn of events was triggered by the change in regime in Tbilisi in November 2003. The lack of legitimacy of the Shevardnadze leadership at the national and international levels, and its failure to find acceptance for fraudulent parliamentary elections, led to popular upheaval and the resignation of Shevardnadze. The new Georgian leadership under Mikheil Saakashvili is now preparing new settlement proposals. There have been some discreet exchanges of opinion between Sukhum(i) and the new leadership in Tbilisi. Saakashvili himself seems to be no less open than his predecessor to discussing various federal arrangements that would uphold the principle of territorial integrity, but he has been careful not to express any concrete position on the future federalization and regionalization of his country. In January 2004 Nino Burdjanadze, acting president since the resignation of Shevardnadze, expressed the hope that Georgia's willingness to 'normalize' its relations with Russia would lead to a regulation of the Abkhaz question.¹⁸

In the first six months since its accession to power, the new Georgian government has not put forward any new ideas concerning the federal status of Abkhazia. In January 2004, Tedi Djaparidze, the Georgian Minister for Foreign Affairs, defended the idea of a pipeline from Novorossiisk that would go through Abkhazia and join the main Western Baku-Ceyhan pipeline. This proposal is not innovative – it has been put forward repeatedly by the Georgian authorities in an attempt to meet Russia's potential geopolitical and economic interest in expanding its oil exports to Western markets through such a linkage with the 'Western' pipeline. This idea – motivated by strategic

¹⁸ See Natalie Nougayréde, "Le nouveau pouvoir en Georgie espère 'normaliser' ses relations", *Le Monde*, 6 January 2004.

considerations – has not, however been shown to be economically viable. But the constraints placed by the Turkish authorities on oil transportation through the Bosphorus is causing serious problems for the transportation of oil from Novorossiisk. These constraints on free passage are motivated by a mixture of ecological, economic, security and geopolitical interests.¹⁹ In the view of those who favour a pipeline through Abkhazia, this may in the future lead to new discussions on alternative routes, including a linkage with the Baku-Ceyhan pipeline.

5.4 Europeanization

5.4.1 Europeanization as seen through the eyes of the parties in conflict

The EU is perceived as a weak power in the Georgian-Abkhaz conflict, as compared to the US or Russia. It is assumed by both parties that a ‘just’ solution to their conflict would result from fundamental changes in the regional balance of power. Such a shift would be made possible by external alliances. This would strengthen the parties’ own positions, thereby allowing the imposition of a ‘legitimate’ solution. This view means that geopolitical calculations and vague expectations of a strategic realignment in the region dominate all political discourses on national, regional and European integration.

From the perspective of Georgia, greater involvement by the US and NATO may lead in the long run to a realignment of forces that would be to their advantage. From the Abkhaz perspective, Russia’s strategic interest in preserving a foothold in the region makes them confident that they will not be subdued against their will into a federal arrangement. There are strong expectations in Sukhum(i) that Russian geopolitical interests will dictate a close alliance with Abkhazia, contrary to the rather tactical Russian approach taken in applying the principle of divide and rule during and in the aftermath of the 1992-93 war. Russia’s strategic interest in opposing Georgia is not expected to change in the decades to come. The Abkhaz envisage a type of strategic alliance similar to that reflected in the cross-Strait relations between another great power (the US) and a *de facto* state (Taiwan).

This Abkhaz view is based on the presupposition that the present Russian-Western confrontation over leadership in mediation activities in the Caucasus will continue, and will even be reinforced in the future, despite the overall pattern of cooperation in which the Russian-Western disagreements over regional leadership are embedded. It may also be stated, however, that the Caucasus in general – and the Georgian-Abkhaz conflict in particular – were never a priority on the Russian-US agenda, but that their importance may gradually increase in the coming years, paving the way for an agreement between these external powers. The Abkhaz calculation does not take into account the history of so many secessionist conflicts where outside forces supporting breakaway movements have at some point ‘betrayed’ the cause of independence.

Both Russia and the US are thus perceived as having sufficient strategic interests in the region to bring about a realignment. The EU has a subordinate role in these political calculations. Its potential for determining the future of the region, for instance through its relations with Russia or by supporting US policies, should not be thought to

¹⁹ *Financial Times*, 11 January 2004.

be very great. In the short term, the EU is not perceived by any of the parties as having a decisive impact on the regional balance of power, as:

- (1) in the mediation efforts of the UN on Abkhazia it speaks not with one voice but with the voices of three of its member states (Germany, France and the United Kingdom);
- (2) it is not seen as being motivated to change the balance of power in this or other secessionist conflicts in the South Caucasus (South Ossetia, Nagorno-Karabakh) by confronting Russia on issues it does not consider vital to its own interests;
- (3) it is unable and unwilling to define clear criteria for possible future participation in European integration by Georgia or the other countries of the South Caucasus.

In the long term, however, in the balance of power calculations of Georgians and Abkhazians, the EU is seen as being able to make a difference: like the other unrecognized states in the South Caucasus, Abkhazia hopes that the EU will normalize its relations with them, gradually paving the way for their political and economic integration into the region, even – according to their ‘best case’ scenario – all the way up to international recognition.

For Georgians, EU membership would dramatically raise their status in the eyes of their neighbours, in particular Russia. Even if such full integration within the EU is not immediately foreseeable, it remains a long-term political objective. European integration processes, based on common values and norms and on the enforcement of the rule of law, are perceived as being subordinate to the existing balance of power. Moreover such forms of Europeanization are, by definition, ‘weak’ forms of integration. This does not mean that they are irrelevant: the Georgian-Abkhaz conflict is also an identity-driven conflict, in which claims of closeness to Europe can be used by both sides to increase the legitimacy of their cause. Balance of power calculations aside, Georgia’s participation in European framework organizations such as the CoE and the OSCE also meets domestic political concerns, for example for stability, national strength and economic well-being. The fulfilment of these objectives is perceived by a large proportion of Georgian public opinion as deriving from closer links with the Western world.

It is certainly not denied on the Georgian or Abkhaz sides that a third ‘European’ level is a necessary condition for successful mediation in the conflict, as the two parties do not have the resources to come to a settlement by themselves. The involvement of European organizations is undoubtedly also seen as potentially helpful for stabilizing a post-agreement situation. But Georgian observers stress that a third – European – level of governance is no panacea. In the settlement of the conflict in Abkhazia, it may be no more than complementary to the ‘national’ level.

Nor does the Abkhaz side regard the third level of European governance as being decisive for settling the conflict. Abkhaz observers stress that, compared with other secessionist crises in Europe, their region is further away from the EU and the process of Europeanization – defined in terms of norms and values – will therefore take longer. But the fact that Russia is also undergoing a process of Europeanization has to be taken into account in an overall view of Eurasia. Abkhazia is striving for integration both into Russia and into Europe as a whole. As the Abkhaz see it, the idea of Europeanization has been present in Abkhazia for a long time, but the international community has erroneously focused on the integration of Abkhazia into Georgia rather than into Europe.

There is not much talk in Sukhum(i) or Tbilisi about European integration processes capable of overcoming secessionist crises on the basis of common

civilizational values and norms. The Georgian and Abkhaz parties to the negotiation process did not, for instance, develop any perspective of bilateral processes to reconcile the Georgian and Abkhaz communities on the basis of common European norms and values, such as may be found in French-German or Greek-Turkish relations. But Abkhaz defenders of the ideal of Caucasian integration on the basis of sovereign equality between nations stress the fact that pan-Caucasian discourses on the need to integrate various cultures and nationalities into a common regional framework reflect traditional democratic European values, and that the pan-Caucasian idea is in principle helpful in overcoming secessionist conflicts.

5.4.2 The role of the EU

In Brussels and other European capitals, the European Union is also seen as being a weak player in the South Caucasus, as compared to the US or Russia. But this is for very different reasons from those given by the various players in the region itself. Balance of power considerations are not absent from EU policies, but they are seen as subordinate to the establishment of a dense network of institutions throughout the whole of Eastern Europe, capable of guiding and assisting the post-communist countries through their process of domestic transformation.

Some EU member states, such as the UK and Germany, have bilateral military cooperation programmes in Georgia. There are also unarmed military observers from EU member states in the UNOMIG (United Nations Observer Mission in Georgia) in Abkhazia. Within the framework of its CFSP (Common Foreign and Security Policy), the European Union has given material support to the OSCE observer mission at the Georgian border with the Russian Federation. This support was intended to help avert a spill-over of the Russian-Chechen war into an open Russian-Georgian conflict. Future involvement in peace-keeping operations in the South Caucasus region – including in Abkhazia – is not to be ruled out. It would therefore not be correct to describe the EU policies as exclusively those of a civilian power.

But the EU has no military ambitions in the South Caucasus that could be compared to those of the United States or Russia. The EU's concern to ensure energy security dictated its support for a 'Western' pipeline and a policy of diversification of transport routes for oil and gas. But compared with the US, it does not have such a keen desire to contain Iran's influence on the South Caucasus. The EU and Russia have divergent views on the future of the region – but they are low on their bilateral political agenda, and are not conceptualized by the EU within the framework of a balance of power.

The political strengths and weaknesses of the EU need to be defined in a different framework, as analysed in the first chapter of this publication. The EU sees the strength of its foreign policy instruments for Eastern Europe as being their capacity to transfer its own norms and values beyond its boundaries. These instruments are designed to transform domestic structures in accordance with democratic and legal standards. In addition, the behaviour (and not only the discourses) of national élites have to meet the standards in question.²⁰

²⁰ See Frank Schimmelfenning, "Introduction: The Impact of International Organizations on the Central and Eastern European States – Conceptual and Theoretical Issues", in Ronald H. Linden (ed.), *Norms and*

With regard to the secessionist crises in countries that have a more or less reasonable prospect of EU membership, or of being more closely integrated into the European core, the EU has the possibility of using a set of strong incentives and disincentives – including the macro-incentive of membership itself – to transform the parties' conflict behaviour and push them towards a negotiated settlement. Aspirations to EU membership create a favourable setting for Europeanization and socialization policies in Serbia and Montenegro, or in Moldova, for example. In the Georgian-Abkhaz conflict, the capacity for using these incentives is available to the EU only to a limited extent. It is present insofar as the Georgian political élites view some form of closer association with the EU –or even EU membership, in the long term –as a strategic objective, and are keen to enhance their political status through their membership of the European framework organizations, the CoE and OSCE. The EU may thus make use of these aspirations.

Transforming this capacity of the EU into a strong foreign policy instrument to be used in the conflict on Abkhazia requires a series of conditions. Two of them are clearly missing. The first factor weakening the EU's position is its lack of a precise strategy on the South Caucasus region. The EU possesses the instruments of the 1999 Partnership and Cooperation Agreements (PCAs) between the EU and the South Caucasus countries, and its numerical weight in European framework organizations such as the CoE. But it is difficult to achieve specific results with these instruments when the EU is itself unable to define its own interests, its medium- and long-term objectives or the means it is willing to use. The European Union is conscious of its security interests in the energy resources of the Caspian. Unlike with the US, however, this has not led to a strong energy policy, despite the deep and long-term involvement of private oil companies from EU countries in the Caspian region since the beginning of the 1990s.²¹ The perception of the South Caucasus as a conglomerate of weak and failing states, authoritarian regimes, poor and corrupt economies and unresolved border and secessionist conflicts makes it additionally difficult for the EU to design a coherent strategy.

Secondly, the EU has traditionally spoken with several voices in the peace processes in the region. It is represented among the Friends by three EU member states. It also speaks with the many voices of its constantly rotating presidencies. Among the various countries holding the six-month presidency of the EU in recent years, only Sweden and Greece were prepared to regard the South Caucasus as an EU priority. The appointment of a Special Representative for the South Caucasus in 2003 was intended to address this lack of coherence. But this Special Representative is able to guarantee only minimal continuity between the fluctuating agendas of the various presidencies, and has received a mandate to be the common voice of the Union on only a limited number of issues.²² He will not be engaged directly in conflict mediation in any of the secessionist conflicts, including on Abkhazia.

The EU would in principle be able to deploy a set of powerful economic resources in the Georgian-Abkhaz mediation efforts that are not available to individual EU states or

Nannies. *The Impact of International Organizations on the Central and East European States* (Lanham, MD: Rowman & Littlefield Publishers, 2002), p. 9.

²¹ There is some movement in this direction, however: energy issues are now discussed in the EU dialogue with Azerbaijan in the Trade and Investment Subcommittee, under the PCA between the EU and Azerbaijan.

²² The mandate of the Special Representative of the European Union for the South Caucasus is described on the website http://ue.eu.int/pesc/envoye/cv/talvitie/1_32620031213en00440045.pdf.

international organizations. Closer coordination with European framework organizations on the Georgian-Abkhaz conflict and direct involvement in mediation efforts would, however, require it to take on direct political responsibilities, where it now has only a supporting role. But such direct involvement is not perceived by all sides in the Georgian-Abkhaz conflict – including some EU members themselves – as being favourable to their cause. It will not be easy to include the EU in the membership of the Group of Friends of the Secretary-General on Georgia. But the practical difficulties of achieving such direct participation by the EU have to be overcome, if it aims for optimal efficiency through a direct linkage between its potential economic and political support for the conflict transformation process and political responsibility for the negotiation management process.

Furthermore, where the role of the EU in a settlement of the conflict and in post-accord reconstruction is concerned, much depends on its capacity to engage the Russian Federation in a long-term policy of conflict management, to support a policy of conflict transformation in Georgian-Abkhaz relations, and to design an institutional perspective that would link post-conflict rehabilitation with the increased integration of the whole Caucasus region – including the North Caucasus – into European structures.

A regional Stability Pact for the Caucasus

Since 1999, the question of a regional Stability Pact for the Caucasus has been discussed in the South Caucasus region, in the European Union and in Russia.²³ The idea of such a pact attracted considerable interest from the governments in the region and also received some rhetorical and political support from some circles in the EU – including the European Parliament.²⁴ From an EU perspective, it has primarily been asked whether it made sense for Brussels to support an institutional framework for regional integration – one that would include not only the Russian Federation but also the southern neighbours of the South Caucasus, Iran and Turkey – as long as the political status of Nagorno-Karabakh, South Ossetia and Abkhazia remained unresolved, and whether such a prospect would help to facilitate a settlement of these conflicts.

The idea of such a regional pact is based on a number of principles that deserve support. The first is the need to integrate distinct forms of governance at the inter- (supra) and sub-state levels. A settlement of the various secessionist conflicts will have to institutionalize a set of federal arrangements. Only Nagorno-Karabakh may be an exception in this respect, as the settlement of this ‘irredentist’ conflict can in theory be based exclusively on territorial swaps (but perhaps only in theory). In all the other cases,

²³ On the idea of a stability pact see Bruno Coppieters, “A Regional Security System for the Caucasus”, in *Caucasian Regional Studies*, Vol. 5, Nos 1 & 2, 2000, <http://poli.vub.ac.be/> also published by the Centre for European Policy Studies (Brussels: CEPS Working Document No. 148, July 2000), pp. 50-58; Sergiu Celac, Michael Emerson and Nathalie Tocci, *A Stability Pact for the Caucasus. A Consultative Document of the CEPS Task Force on the Caucasus* (Brussels: Centre for European Policy Studies, 2000).

²⁴ See the “Report with a Proposal for a European Parliament Recommendation to the Council on EU Policy towards the South Caucasus 2003/2225 (INI)” of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy of the European Parliament (rapporteur: Per Gahrton) of 2 February 2004 (A5-0052/2004), <http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+REPORT+A5-2004-0052+0+DOC+XML+V0//EN&L=EN&LEVEL=2&NAV=S&LSTDOC=Y>

the titular nations of the federated entities will have a limited right to national self-determination at the external level, including the right to external representation within the scope of their constitutional powers. A Stability Pact that recognizes these powers may thus enforce patterns of interdependence between the two levels of federal governance, and link them with intergovernmental – and possibly even with supranational – levels of governance.

The second principle that deserves support is the idea of regional integration, which may be achieved in a postaccord situation. A Stability Pact for the Caucasus will have to be implemented in the context of the wider Caucasus, which includes parts of the Russian Federation, Iran and Turkey. A Stability Pact will also provide room for external support, including support from the European Union and other European structures.

The main problem with this idea of a regional pact, however, is that it can only be achieved in a postaccord situation. It is impossible to engage the breakaway republics in a regional setting as long as the question of their political status remains in limbo. The discussions on a Caucasus Stability Pact in the region itself during recent years have demonstrated that even discussions on its institutional design do not prove very fruitful as long as the various territorial disputes remain unresolved. The participants in these debates have first of all been calculating the consequences for the regional balance of power of various formulas for representation and alliance-building within this pact. The question of whether the Russian Federation, for instance, would be able to preserve a dominant position within such a pact has attracted wide attention. The idea of regional integration itself – as opposed to balance of power calculations – has therefore remained devoid of any concrete substance. The participants in these debates were moreover incapable of giving any realistic assessment of the future relations between the federal level of governance and the level of governance of the federated entities, on which such a pact would have to be based.

The Abkhaz side remains interested in the idea of such a pact. In its view, a regional framework would have to favour the integration of Abkhazia into a pan-Caucasian framework – thus also including Georgia – on the basis of equality between sovereign states. According to Sukhum(i), this would be possible in the present situation by avoiding the question of status. But such an option is hardly feasible. It is only possible to avoid the questions of sovereignty and status when both parties to a secessionist conflict perceive that they have an interest in such a form of international integration of *de facto* states – which is, for instance, the case concerning the participation of Taiwan in a very limited number of international organizations, with the agreement of Beijing. But such an option is not realistic in the context of the Caucasus.

Until existing conflicts over the political status of *de facto* states and secessionist movements – including Chechnya – are settled, the idea of such a pact thus remains utopian, in both the positive and negative senses of the term. This idea points to the emancipatory potential of regional integration in a postaccord situation, but cannot be used as the main instrument for overcoming the present deadlock. The various players in the present conflicts can only project their present conflict behaviour into the discussions on this pact.

Nor can it be considered a fruitful idea to foster EU engagement in the region. The EU has concentrated largely on post-settlement consolidation. Incapable of engaging itself in the present conflicts, owing to internal institutional constraints, it has been

legitimizing its policies as being supportive to existing mediation efforts, particularly with respect to financial aid for post-conflict rehabilitation. It is time for the EU to overcome these internal political restrictions by engaging itself directly in conflict transformation and conflict management. The very limited experience it has had in this field in South Ossetia – through the involvement of the Commission and in cooperation with the OSCE – should therefore be extended, including to other conflict regions, such as Abkhazia. This more active type of approach to the present problems in the South Caucasus requires more complex political formulas than those of a future regional Stability Pact. And it is the most effective way of bringing about such a Pact.

A 'Wider Europe'

The exclusion of the South Caucasus from the Wider Europe/Neighbourhood policy framework in 2003 – which has been analysed in the first chapter of this book – is illustrative of a strategic weakness.²⁵ This choice – which has been revised by the Commission²⁶ and the Council²⁷ by June 2004 through inclusion of the three South Caucasus states in the European Neighbourhood Policy (ENP) – should not be seen as resulting from geographical considerations. This choice is rather to be understood as the result of a shift in European attitudes to the South Caucasus in previous years. In 2003, Georgia, Azerbaijan and Armenia were depicted in more negative terms than in the past, owing to the failure of reformist policies, the widespread corruption and criminalization, and all the fruitless attempts to reach a settlement in the various conflicts. The EU's allocation of over a billion euro to the region for the period 1991-2000²⁸ – not including support from individual member states or from the rest of the international community – did not produce the expected changes. This has prompted a negative answer to the question of whether or not to include the South Caucasus in the 2003 Wider Europe policy framework.

For the Commission and for many member states it therefore made sense to increase the political involvement of the EU in the region in order to improve the efficiency of its aid, but not to include the region in a policy framework that aims at highly complex economic and institutional reforms. From the perspective of the Commission, such an inclusion simply did not have a reasonable chance of success, nor were there sufficient grounds for it, particularly as many of the key objectives and incentives (with the exception of the liberalization of the four freedoms) were already included in the existing Partnership and Cooperation Agreements (PCAs).

The non-inclusion of the South Caucasus states in its 'Wider Europe' framework, however, overlooked the importance of the identity factor in political mobilization

²⁵ See Bruno Coppieters, 'EU Policy on the Southern Caucasus', policy paper for the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy of the European Parliament (meeting of 20 January 2004), on the Internet on <http://www.europarl.eu.int/meetdocs/committees/afet/20040120/wider%20europe%20caucasus.pdf>

²⁶ The Communication from the Commission 'European Neighbourhood Policy – Strategy Paper' from 12 May 2004 (COM(2004) 373 final) is available on the Internet on http://europa.eu.int/comm/world/enp/pdf/strategy/Strategy_Paper_EN.pdf

²⁷ For the Council conclusions on the European Neighbourhood Policy of 14 June 2004 see http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/gena/80951.pdf

²⁸ http://www.mfa.gr/english/foreign_policy/eu/eu_relations/nak_georgia.html (accessed on 22 May 2003).

processes and, more particularly, ignored how a concept such as 'Wider Europe' resonates in the South Caucasus. As stated in the first chapter, the reform potential in Georgia and other countries of the South Caucasus largely depends on the ability of external players, including the European Union, to support the emergence of forces favourable to reform and to provide them with domestic legitimacy. Conditionality is important in this context. The use of this instrument is already not particularly easy, as the reforms are needed in the short term, whereas substantial benefits from European integration are promised for the distant future. A lack of increased involvement may also be used by the region's élites to justify their own unwillingness to promote reforms. In such a context, the exclusion of the South Caucasus from an enhanced policy of European integration – in the Commission document of 2003, the promotion of the four freedoms was even said to be able to bring countries in the European neighbourhood 'as close to the Union' as they could be without actually being a member²⁹ – could have had a demobilizing effect on their political élites and public opinion, thereby weakening the socializing potential of the EU. This was particularly true for Georgia, where expectations of reform were then raised significantly by the regime change in November 2003.

The Wider Europe/Neighbourhood policies were, moreover, presented in 2003 as an attempt to prevent new dividing-lines in Europe. But it was not reasonable to exclude the South Caucasus from the scope of a large-scale EU integration project while at the same time the region was fully integrated into several existing European and Euro-Atlantic international security organizations. It was contradictory to require the OSCE and the CoE to integrate countries such as Georgia into a single European or Euro-Atlantic space, in accordance with the highest legal and political standards, while the EU – in name of political realism – was opting for different levels of European integration in the same policy fields. Nor would this exclusion have facilitated coordination between the EU and these organizations, even if it is true that such an exclusion did not make close coordination between the EU and these organizations on their South Caucasus policies impossible.

But the Commission and the Council were completely right to assume that weak states such as Georgia cannot, realistically, be expected to attain the ambitious objectives formulated in the Wider Europe framework in the foreseeable future. One must, however, take into account the fact that states just as weak as Georgia (e.g., Moldova) were included in the 2003 neighbourhood policy framework. This means that specific policies – which will have to include an inventory of potential socializing instruments that are appropriate for weak and failing states – must address the challenges posed by this specific type of states.

At the same time, however, the reason why the South Caucasus was excluded from the Wider Europe/Neighbourhood policies in 2003 – the inability of these states to reform – was at the same time seen by the EU as a reason for increasing its own involvement in the region, in the security sphere.³⁰ The European Union cannot afford the

²⁹ Communication, *op. cit.*, p. 10; Michael Emerson, *The Wider Europe Matrix* (Brussels: Centre for European Policy Studies, 2003).

³⁰ Javier Solana, "L'UE – Pilier d'un monde nouveau", in *Le Monde*, 23 September 2003, p. 16. See Dov Lynch, "The EU: Towards a Strategy", *op. cit.*; See also Javier Solana, "A Secure Europe in a Better

disintegration of states in the vicinity of its new borders. There was thus a contradiction between the EU policies that have to respond to the challenge of states unable to reform themselves, on the one hand, and the EU policies that are responding to the challenge of weak and failing states threatening European stability, on the other. In the first case there was a certain fatigue, or even partial retreat, in the socializing strategy, and in the second there was an appeal for deeper involvement. Even though they have won approval from the Council, the two policies were developed in 2003 by different EU institutions (the Commission *versus* the EU's High Representative on Common Foreign and Security Policy). These two institutions have different foreign policy tasks and instruments. Such a contradiction could only be resolved by a strategy that takes into account the threatening consequences of having failed states close to its borders, together with existing aspirations to Europeanization in the region, and other mobilizing factors for reform.

5.5 Possible outcomes in the future

The Georgian and Abkhaz sides are too weak to come to a settlement by relying exclusively on their own forces. Any future agreement will involve some degree of external pressure. But the weakness of the state structures of Georgia and of Abkhazia, combined with their location on a geopolitical fault-line between competing powers, makes it difficult to predict the political outcome of the Georgian-Abkhaz conflict. The weakness of their state structures implies first and foremost that the question of the future political status of Abkhazia depends on the numerous factors determining the priorities of the Russian and Western governments in their joint agenda-setting.

The external mediators can play a positive and constructive role in the process of conflict resolution when they share some common interests and objectives. The Friends have, however, agreed on only a minimum number of common principles, which are included in the Boden document. This minimum consensus excludes the two following options. The first is a definitive partition of Abkhazia. According to such a scenario, the Gali district, populated almost entirely by ethnic Georgians, would revert to Georgia in exchange for the recognition of Abkhazia as an independent state. In recent years, a large number of Georgian refugees have returned to the Gali district, but under very uncertain security and social conditions. The reintegration of this district into Georgia would solve this particular problem. This option would also be acceptable to the Abkhaz government – but it would be very difficult to get the Georgian government or Georgian public opinion to accept the principle that a division based on ethnic criteria could be exchanged for a recognition of Abkhazia's unilateral secession. There are discussions in Georgia on a partition of Abkhazia whereby the territory to be returned to Georgia would be far larger than the Georgian-populated Gali district, but it is generally assumed that any partition of Abkhazia only has a chance of being acceptable in Georgia if it can be presented as a provisional solution that paves the way for the future reintegration of Georgia and Abkhazia within a single state.

A second option, the creation of a Georgian-Abkhaz confederation or the status of a freely associated state for Abkhazia (associated either with Georgia or with Russia), is

World", European Council, Thessaloniki, 20 June 2003, <http://ue.eu.int/solana/list.asp?BID=111> (accessed on 11 December 2003).

likewise unrealistic. An association of Abkhazia with Georgia under the latter status would simply regulate Abkhazia's right to secession, without giving Georgia any further say in the dissolution procedures of the federal arrangement. This could not, therefore, be considered a compromise solution. The status of a freely associated state with the Russian Federation, for Abkhazia, would be totally unacceptable to Western governments and Georgia alike. It would lead to an international confrontation, which is not in the interest of any party.

As stated previously, the Boden document leaves open the possibility of a federalization of Georgia in which Abkhazia would become a federated state in an asymmetric or symmetric federation, and for the reintegration of Abkhazia into the Georgian framework according to a federal pattern in which Abkhazia would receive the status of an associated state (or a federacy) with Georgia, without a unilateral right to secession, and in which the territory of Georgia itself would not be entirely federalized. In all three cases, the spheres of competence of Abkhazia should be far broader than those allocated to the joint government. The proposals made by Yugoslav President Vojislav Kostunica, in the discussions with Montenegro on the future of the Yugoslav Federation in January 2001, may be relevant in this context. At the time, Kostunica suggested – in accordance with what has eventually been achieved in the Constitutional Charter – that 'the number of functions to be performed at the federal level should be minimal, basically defined by the federal units' need for the joint and effective resolution of issues of common interest'.³¹

The creation of a federation of Georgia and Abkhazia would most probably have to follow an asymmetrical pattern. A symmetrical pattern, following the model of the State Union of Serbia and Montenegro, would create a degree of over-representation and would give Sukhum(i) such blocking power that it would be highly dysfunctional and lacking in legitimacy in the eyes of Georgian public opinion. The proportion of the multi-ethnic population of Abkhazia within the total population of the common state to be created (about half a million out of 5.3 million, according to the census of 1989) is slightly higher than that of the Montenegrin population within their common state with Serbia (approximately 670,000 out of 8.3 million). But Serbia and Montenegro had the same constitutional status in the former Yugoslavia, which was not the case for Georgia and Abkhazia in the former Soviet Union.

An asymmetric federation would consist of Abkhazia, South Ossetia, Ajara and the regions of Georgia. This federal arrangement would necessitate deep involvement in federal decision-making by the federated state of Abkhazia, for example through a second chamber. Abkhazia would then be able to block federal decision-making either alone or in agreement with other federated entities. It should not be expected that such participation in Georgia's political affairs by the Abkhaz community would lead to closer integration of the two nations. Political disputes arising as a consequence of such an involvement could also spill over into internal disputes between the national communities in Sukhum(i) itself, and this is the main threat to the stability of a future settlement.

This risk could be lessened by turning Abkhazia into an associated state with Georgia. According to this option, the political balance between the Georgian and Abkhaz communities in Abkhazia would not be destabilized by political events in Tbilisi. They would not be dragged so easily into intra-Georgian conflicts, which, as we know,

³¹ Yugoslav President's Proposal for Reconstruction of Yugoslavia, Tanjug, Belgrade, 10 January 2001.

may lead to extreme situations. This option of an associated state may thus be considered reasonable, taking into account the recent history of political turmoil – including the two regime changes of the winter of 1991-92 and November 2003 – in Georgia itself. This option would further mean that the two levels of governance would have to coordinate policies in only a limited number of spheres – even more limited than in a thin asymmetric federation. It would also mean that Abkhazia would not be able to block decision-making at the central level on its own, except when it concerned substantial state interests of Abkhazia itself. This would be different from the situation under the Serbian-Montenegrin model of governance.

In these two variants, the primary need for peaceful coexistence between the two main communities in Abkhazia would necessitate an Abkhaz electoral system favouring cross-community voting and political moderation. The distribution of powers between the federal government and Abkhazia would have to be backed up by a series of legal and political guarantees requiring the ongoing involvement of international organizations, including security organizations. The possibility of direct access for Abkhazia to the OSCE Permanent Council and other OSCE institutions, for instance, or to the UN Security Council itself, in order to prevent the escalation of political conflicts into a fresh civil war, has to be explored. Such options would go against traditional practice, whereby only sovereign states can accede to such security mechanisms, but they are in line with the practical need to give security guarantees to all sides in the conflict.

It is true that the options of creating a (symmetric or asymmetric) Georgian-Abkhaz federation, or the option of Abkhazia becoming an associated state with Georgia, may seem unrealistic at present, taking into account majority Abkhaz opinion which rejects the creation of federative links with Georgia. But the Abkhaz micro-state and its ruling élites remain highly dependent on the Russian Federation, which has the power to force Sukhum(i) into a one-state solution for Georgia and Abkhazia. Moscow has traditionally been confronted with various severe threats of secession and has a strong interest in preserving the principle of territorial integrity. It may also attain other objectives through a federal arrangement for Georgia and Abkhazia. Such a settlement would not necessarily decrease Russia's influence in the region. Moscow would have a substantial role to play in any system of international security guarantees. Nor would it, in principle, be difficult for Russia and Abkhazia to maintain their mutual economic and political links. This could be facilitated by traditional federal mechanisms, such as treaty-making power for Abkhazia in its own spheres of competence. Russia at present perceives no interest in such an agreement, but in the long term this option remains the only feasible one if it wishes to normalize fully its relations with Georgia and create a security framework in the South Caucasus together with Western countries and regional powers.

This means that the Boden document – despite its rejection by the Abkhaz side and the present refusal by the Russian government to put sufficient pressure on the Abkhaz authorities to start a negotiation on this basis – remains relevant in the long term. It is difficult to conceive of a settlement that would not be based on the principles expressed in it. But it is also difficult to predict at what stage Russia would find an interest in its implementation. Such a decision would depend on a number of factors, ranging from the state of Russian-Western and Russian-Georgian relations to the

prospects for a regulation of the Chechen issue and the degree of Russian economic penetration in the South Caucasus.

One must also, therefore, envisage the possibility that the present deadlock in the Georgian-Russian and Georgian-Abkhaz relations cannot easily be overcome and that the question of political status cannot therefore be effectively addressed in the near future. This does not mean, however, that nothing can be done to preserve some minimal conditions for a future settlement. Where EU policies of conditionality and socialization are concerned, conditionality could help to foster parallel processes of democratization in Georgia and Abkhazia. The UN's mediation is based on the principle that, in the long term, a resolution of the conflict can only be achieved by peaceful means. The EU should make it clear that this principle rules out any direct or indirect support from the Georgian authorities for armed guerrilla forces operating in Abkhazia. EU economic and political benefits could also encourage the gradual settlement of the refugee problem in Abkhazia before a full political settlement came about.

The socializing tasks described in the first chapter of this volume cannot easily be performed by the EU itself, or by international organizations, in a *de facto* state. External support for civil society projects and democratization processes may in some cases be regarded as legitimate by all parties concerned – such as the creation of a United Nations Human Rights Office in Abkhazia which also involves the OSCE, and the running of OSCE human rights projects in Abkhazia.³² Such a socializing task may in other cases be erroneously perceived (by one or both sides in the conflict) as a form of international recognition and strengthening of *de facto* statehood. If the Abkhaz authorities perceive the involvement of European institutions in their internal affairs as a form of legitimization of their own authority, this may reduce their future readiness to compromise in negotiations. But engagement in the *de facto* states may also strengthen democratization processes and promote conflict transformation.³³ International isolation – in order to avoid any risk of legitimizing secessionist leaderships – will only encourage authoritarianism and the criminalization of *de facto* states, as well as increasing their unilateral economic dependence on outside forces.

These contradictions may be illustrated by a description of the Abkhaz and Georgian positions on the involvement of international organizations in Abkhazia. The authorities of Sukhum(i) do not regard the framework organizations OSCE and CoE as being impartial in the conflict. The term 'ethnic cleansing', for instance, has been used by the Georgian authorities in OSCE documents. The Abkhaz, however, would favour increased involvement by the OSCE and the CoE in Abkhazia, provided this is not conditional on political integration with Georgia. According to the Abkhaz, the political development of Abkhazia in accordance with OSCE and CoE standards would even facilitate the future recognition of Abkhazia as an independent state. It would also facilitate the recognition of Abkhazia as a sovereign state, freely associated with Russia.

³² OSCE, *Annual Report on OSCE Activities 2002, Press and Public Information* (Vienna: OSCE Secretariat, 2002), p. 41.

³³ Conflict transformation is defined by Thomas Diez as the transformation of subject positions from incompatibility/antagonism to compatibility/tolerance. See Thomas Diez, "'Roots' of Conflict, Conflict Transformation and EU Influence. Summary of Initial Comments, European Commission Workshop", Brussels, 14 February 2003. <http://euborderconf.bham.ac.uk/publications/files/brussels20030214.pdf> (accessed on 11 December 2003).

Russia's membership of the OSCE and CoE would indeed require closer cooperation between Abkhazia and these two organizations.

For Georgian observers, the present Abkhaz refusal to engage in any discussion on political status, or to conceive of joint Georgian-Abkhaz activities in European framework organizations, rules out the involvement of the CoE or other European framework organizations in the domestic affairs of Abkhazia. Such an involvement would necessarily be perceived as an indirect form of international recognition, which Georgia finds unacceptable, as it would affect the relationship of forces in the conflict. Unlike Kosovo, where the UN works on the principle that democratic norms come before the question of the future status of the region, the predominant view on the Georgian side is that political status comes first.

In order to overcome the contradiction inherent in the question of international engagement in *de facto* states – between the risk of legitimizing them on the one hand and the risk of favouring authoritarian rule and criminalizing them, on the other – it may be advisable for the EU and European organizations to give substantial financial and political support to NGO programmes in these entities and even to implement their own programmes in unrecognized republics, overcoming the political resistance of the Georgian government.

A settlement of the Abkhaz conflict seems remote. It is easy enough to conceive of the immense potential benefits of a successful settlement for its population and the other players concerned, including Russia and the European Union. Unfortunately, the regulation of this conflict does not primarily depend on these benefits.

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